P 12 E

App. F. IX-4

1926-7.
(R.A.)

File No. 15-26

Previous References
R.A 15-26-2.
Legis 12-23-6.

Serial Nos. 11A, 13 & 14.

Later References

Preserved

General and Revenue Secretariat.

Serial Nos. Three.

Part B for January 1927.

SUBJECT

Amendment of rules regarding the preparation and Publication of electoral rolls for holding elections to the Representative Assembly.

13) To the Compiler, mysore Gazette
Notifn. no Rel 510 dt 31.12.26.
Notifies the amendment of rule relating to the Revising Authority for Electoral rolls so as to enable the Officer preparing the electoral rolls to delegate his powers to any other officer who may be appointed in his behalf.

14) To the Compiler, mysore Gazette
Notifn. no Rel 511 dt 31.12.26.
Appoints the Personal Assistant to the D.C. Shimoga Dist as the officer who, along with two non-officials, will Constitute the Revising authority in respect of the rolls of the Shimoga Urban constituency.
Memo no: 572 dt 31.12.26.
2d copy to D.C. Shimoga.

Gleed Pillai
21/2/27.

G.R.S. III—3]

(1

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

760
RA

From the Deputy Commissioner
Shimoga Dt
No. M 3 - 6699 (26-27)
Dt. 18. 12. 26

States that under Rule 5 of the rules framed under Notification No. Rel 315/RA 15-26-2 dt. 11. 12. 1926 for the matter of the preparation & publication of the electoral rolls for the election of members to the Shimoga Municipality is the revising authority to dispose of applications that may be received under Rule 6 & the date fixed for the disposal of such applications is 1st January 1927. He will be on tour with the Deputy Commissioner of Bijapur on the said date, therefore that sanction may be accorded to delegate the power to any one of the following officers viz, the Vice President the Chief Officer & the Personal Assistant.

1. Submitted.
2. The President of the Shimoga Municipality is the Dy Comr. of Shimoga. As he says he will have to be on tour with the Dewan on the 1st instant he requests that the power of receiving the electoral

Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

2839/28 C.699 (a

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

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rolls may be delegated to the Vice President the chief officer, or the Personal Assistant Commissioner preferably the latter officer as he is well conversant with the rules.

3. Under the special circumstances represented by Commissioner the power may be delegated

4. Submitted for orders

5. There is, however, no provision in the rules for the delegation of this power.

20/12 22/12.

Secy)

6. M. A. 940

7. Please bring up with a copy of the map

8. There seems to be no power to delegate. In favour of opinion if the D. of powers may be sanctioned functions.

Ltd Secy with Compts. 22/12

N.B.– Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

8. 23/12

Secretariat)

9. Under the rule in force there is no provision to delegate the D's function to another.

Secretariat with Compts.

D.
24.12
27/12

760

(3

G. R. S. III—3]

ROUTINE NOTES.

[To be used only for notes, requisitions, etc., not intended for permanent record]

(R A 6-26-10) Floyd

DEWAN'S OFFICE.
Received on
28. DEC. 1926
Reg No 4781

Secy L. A'

Supposing we do it, if objection is taken, would it be possible for a D.C. himself to dispose of the claims. Or is it not possible to do so under the Rules?

28/12 J'a C

Hon'ble Mr. Bales

L.A. Secy.

To submitted for personal orders.

AR 27/12

27/12

1) The date fixed for the disposal of claims for and objections against the inclusion of names in the electoral rolls is 7th Jan. 1927. (vide Flag L.) The Dy. Comr. of Shemuga, who is also the President of the Shemuga Town Municipality is the Officer who, under the Rules, has to dispose of the claims and objections.

2) The Dy. Comr. says that, as he will be on duty with the Dewan in connection with his Shemuga tour on the 7th, he will not be available to dispose of objections on that date. He therefore requests that his duty may be delegated to his Personal Assistant.

3) Under the rules in force there is no provision to delegate the Dy. Comr's functions to another. (vide L.A. Secy's opinion on the previous page).

4) If approved, the Dy. Comr. could be informed accordingly.

AR 28/12

Dewan)

N. B.—Should routine notes be written on small slips, the notes must be copied or slips pasted on this form.

WD 1850—GPB—1,50,000—5-9

WD 01228—GPB—37,500—1-9-26

Serial No.

Rule 5 defines the revising authority.

There is no provision made to delegate the function of D.C. (the President of the Municipality) to another. Hence it is not possible under the rules to delegate the functions of D.C. to another officer.

Suppose the Govt delegates those duties, any candidate who is aggrieved by the order passed by such officer may question the validity of such an order on the ground that he had no jurisdn to pass the order.

It is therefore unsafe to ~~app~~ delegate the function to another as the rule stands.

If it is absolutely necessary to delegate the function rule 5 should be altered to admit of delegation in such cases.

As the previous publication of the rules is not necessary the rule may be changed by adding 'or such other officer as may be appointed in this behalf" after the word 'electoral roll' and before 'and' in 2nd line opposite to "All ~~Bdy~~ Rural Constituencies except .... Mysore!

As regards changing the date from 7th Jan'1 to 14th Jan'1, it is not possible for the dates of subsequent events have been so fixed as not to admit of any change

*C

NOTE. Contn.Sheet

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

File No (5 of 192

App. F. III—2]

Serial No.

DEWAN'S OFFICE.
Received on
1 DEC. 1926
Reg. No 4809.

If the presence of D.C. at Shimoga cannot be secured before 7th/8th Dec to dispose of all claims, the rule has to be changed for this purpose.

D.C. might dispose of all cases on 3rd or 4th Jan & join Dewan's camp. If this cannot be done, the only possible solution would be to alter the rule as proposed.

The rule may be changed by a notification on the 1st day.

Dewan. 30/12

N. Madhava Rao
Dr
31/12

31/12

Today

Submd. with two drafts.

The amendment has to be made in two places and the proposed draft is for orders.

31-12-26

31/12.

Secy)

Issue after perusal by L+A Secy (The wording of the notification is rather involved but I cannot think of anything simpler in this hurry)

31/12

The L.A. Secy: has left office. 50th.

NOTE Contn.Sheet

WD 01229—GPB—37,500—1-9-26

General and Revenue Secretariat

P. A File No. 15 (6) of 1926.

Serial No.	
13	To the Compiler, Mysore Gazette Notifn. no Rel 510 dt 31.12.26. Notifies the amendment of rule 5 of the rules regarding the preparation and publication of the electoral rolls for returning members to the Rep. Assembly published in Sl. 2.
14	Do the Compiler, Mysore Gazette Notifn. no Rel 511 dt 31.12.26. Notifies that the Per. Asst to the D.C. Shimoga Dist is appointed to be an officer who, along with two non-officials, will constitute the Revising Authority in respect of the Electoral rolls of the Shimoga Urban Constituency. Memo no 512 dt 31.12.26. Dt copy to D.C. Shimoga Dist.

Presd 4/1/27

Fair copy as now printed
Dr
copy.
Dr

37258 M3-C699 (26-27

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R.A 15-26-11A.

No. Urgent

OFFICE OF THE DEPUTY COMMISSIONER.
SHIMOGA DISTRICT.

Shimoga, Dated the 18th December *1926*

760

OFFICE OF THE SECRETARY
20 DEC 1926
REPRESENTATIVE ASSEMBLY
&
LEGISLATIVE COUNCIL

20 DEC. 1926

From

B. T. Kesavaiengar, Esq., B.A.,
Deputy Commissioner,
Shimoga District.

To,

B. Nagappa, Esq., Bar-at-Law.,
Secretary to Government,
Local & Legislative Departments,
Bangalore.

Sir,

I have the honour to state that under rule 5 of the Rules issued under Notification No: Rel.315-R.A.15-26-2 dated 11th November 1926 in the matter of the preparation and publication of the Electoral Rolls for the election of members to the Representative Assembly, the President of the Shimoga Town Municipality is the revising authority to dispose of applications that may be received under Rule 5 for inclusion or exclusion of the names in the electoral rolls prepared under Rule 2 for the Shimoga Town Urban constituency, and the date fixed for the disposal of such applications is 7th January 1927 as per Calendar sanctioned by Government. As I shall have to be on duty with the Dewan of Mysore on the said date in connection with his tour in the District, I request that sanction may kindly be accorded to delegate the power to any one of the marginally noted three Officers, preferably the last mentioned officer as he is conversant with the Rules and procedure.

1. The Vice President.
2. The Chief Officer.
3. The Personal Assistant Commissioner.

2. I request the favour of early orders in the matter.

I have the honour to be,
Sir,
Your most obedient servant,
DEPUTY COMMISSIONER.

Notification

No. Rel 510 Dt. 3/1/1926.

R.A. 15-26-13

In exercise of the powers vested in them under section 6 (1) and (2) (d) of the Mysore Repve. Assy. Regulation XVIII of 1923", the Govt. of H.H. the Maharaja are pleased to amend rule 5 of the rules regarding the preparation and publication of Electoral rolls for the holding of Elections for returning members to the Repve. Assy. published with notification no. Rel 315/ R.A. 15-26-2.B. 11.11.26, as follows: —

Insert the words

"or such other officer as may be appointed in this behalf

For the words

"the officer preparing the Electoral roll and two non-officials appointed by the Dy. Comr. of the District with the officer preparing the roll as Chairman"

appearing in proviso to "All rural constituencies except the M.G.T. Sanr. Ad. area, and all urban constituencies except Bangalore and Mysore"

(3

The officer preparing the electoral roll or such other officer may be appointed ~~in this behalf~~ gazetted and two non-officials appointed by the Dy. Comr. of the District with the officer preparing the roll or ~~such~~ the other officer appd in this behalf as above referred to as chairman.

By order

Asst
Genl. Secy to Govt.

To The Compiler, Assam Gazette
for pub[n] in the Gazette with
a request that 250 spare
copies may be supplied to this
Office.

SDR
31.12.26

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GENERAL SECRETARIAT.

No. Rel 510—*R. A.* 15-26-13, *dated* 31*st December* 1926.

In exercise of the powers vested in them under Section 6 (1) and (2) (*d*) of the Mysore Representative Assembly Regulation, XVIII of 1923, the Government of His Highness the Maharaja are pleased to amend Rule 5 of the Rules regarding the preparation and publication of electoral rolls for the holding of elections for returning members to the Representative Assembly, published with Notification No. Rel. 315—R. A. 15-26-2, dated the 11th November 1926, as follows:—

For the words—

"The officer preparing the electoral roll and two non-officials appointed by the Deputy Commissioner of the District with the officer preparing the roll as Chairman."

appearing opposite to—

"All rural constituencies except the Kolar Gold Fields Sanitary Board area, and all urban constituencies except Bangalore and Mysore."

Read—

"The officer preparing the electoral roll or such other officer as may be appointed in this behalf and two non-official gentlemen appointed by the Deputy Commissioner of the District, with the officer preparing the roll or the other officer appointed in this behalf as above referred to as Chairman."

By Order,

M. VENKATESA IYENGAR,

General Secretary to Government,

(*in charge*).

Notification. (5)

No. Rel. 511 & 31.12.26.
R.A. 15-26-14.

Under rule 5 of the rules for the preparation and publication of the Electoral rolls for the holding of elections for returning members to the Repve. Assy., published with notification no. Rel 315/R.A. 15-26-2 & 11.11.26 as amended by notification no. Rel. 510/R.A-15-26-13 & 31.12.1926

~~To~~ the ~~Dy. Comr.~~ Personal Assistant to the Dy. Commissioner, Shimoga who alone is appointed the Officer who alone is competent with two months with effect from this revising authority in respect of the rolls of the Shimoga urban constituency.

By order

31/12

Govt. Secy to Govt.

To the compiler, Mysore Gazette for pub. & forth the request that 100 spare copies may be supplied to the Dy. Comr., Shimoga District, and 50 copies supplied to this Office.

No. Rel. 512 & 31.12.26
Memo R.A-15-26-14

Copy forwarded to the Dy. Comr.

It is a point for consideration, whether "the Vice-President Shimoga Town Municipality" would not be more appropriate. (He is one of the 3 Officers mentioned by the President of the Municipality, although he prefers the P.A.).

31/12

Shimoga District, Public Prosecutor
his letter no. M.3 C.699
dt 18.12.1926.

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Bo

31/12

~~For Govt~~ Govt-ry
to Govt.

31.12.26

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GENERAL SECRETARIAT.

No. Rel. 511—*R. A.* 15-26-14, *dated* 31*st December* 1926.

Under Rule 5 of the Rules for the preparation and publication of the electoral rolls for the holding of elections for returning members to the Representative Assembly, published with Notification No. Rel. 315—R. A. 15-26-2, dated 11th November 1926, as amended by Notification No. Rel. 510 - R. A. 15-26-13, dated 31st December 1926, the Personal Assistant to the Deputy Commissioner, Shimoga District, is appointed to be the officer who, along with two non-officials, will constitute the revising authority in respect of the rolls of the Shimoga Urban Constituency.

By Order,

M. VENKATESA IYENGAR,
General Secretary to Government,
(*in charge*).